



STATE OF SOUTH CAROLINA DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents

FROM: Darlene Prevatt, Team Leader
State Accountability

DATE: July 21, 2016

RE: State Board of Education's Waiver Process

The South Carolina Department of Education (SCDE) supports innovations that provide for increased student achievement through college-and-career-ready programs to meet the vision of the Profile of the South Carolina Graduate. Occasionally, State Board of Education (SBE) regulations or SCDE policies may seem to impede the implementation of educational innovations. When this occurs, the SCDE may be able to waive compliance from regulations.

SBE Regulation 43-261 (C) District and School Planning states:

Upon request of a district board of trustees or its designee, the State Board of Education may waive any regulation that would impede the implementation of an approved district strategic plan or school renewal plan. The State Board of Education may delegate to the State Superintendent the ability to waive regulatory requirements for similarly situated school districts and schools.

Generally, state statutes may not be waived unless the statute explicitly grants the SBE authority to do so.

Waiver Process

- All waivers must be requested in writing, signed by the local superintendent, and approved by the local school board. The waiver request(s) must also be referenced in the district's strategic plan and any applicable school's renewal plan. Waiver requests are to be made prior to implementing the innovations or activities for which the waiver is written. "After the fact" waivers are discouraged.
- The written waiver requests are to be sent to Darlene Prevatt, Team Leader, State Accountability via email at dprevatt@ed.sc.gov or mailed hardcopy to 1429 Senate Street, 501A, Columbia, SC 29201.
- Waivers for previously granted requests no longer have to go before the SBE. Novel or unusual requests require SBE approval. State Accountability will notify districts in writing if the waiver request has to go before the SBE.

- Any waiver presented to the SBE, will first go before the Policy and Legislative Committee (morning) and then be put forth to the full SBE (afternoon). District and/or school representatives are welcome to attend the SBE meetings and may also speak about their waiver.
- Waiver requests are generally granted for the duration of the district's Strategic Plan.
- SBE meetings are held on the second Tuesday of most months. Waiver requests that must be presented to the SBE, must be submitted to State Accountability 60 days prior to the SBE meeting date. This time allows for processing and gives SBE members time to review the requests in advance. Please reference the chart below:

Written Waiver Request Due Date	Earliest Possible Board Meeting Date
May 11, 2016	August 9, 2016
July 15, 2016	September 13, 2016
August 12, 2016	October 11, 2016
September 9, 2016	November 8, 2016
October 14, 2016	December 13, 2016
November 11, 2016	January 10, 2017
December 16, 2016	February 14, 2017
January 13, 2017	March 14, 2017
February 10, 2017	April 11, 2017
March 10, 2017	May 9, 2017
April 14, 2017	June 13, 2017
<i>May 12, 2017*</i>	<i>July 11, 2017*</i>
June 9, 2017	August 8, 2017

Contact one of the following if there are any additional questions or concerns:

Darlene Prevatt (Team Leader) (803) 734-3477, dprevatt@ed.sc.gov
 Nicole Ivery (803) 734-6268, nivery@ed.sc.gov
 Roy Stehle (Director) (803) 734-8118, rstehle@ed.sc.gov

* It has not yet been determined if the SBE will meet on July 11, 2017. In the event the meeting is not held, any waivers submitted within that time will be placed on the August agenda.